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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/938,222	08/23/2001	Thomas Gorich	9651-2	1697

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EXAMINER

HARAN, JOHN T

ART UNIT

PAPER NUMBER

1733

DATE MAILED: 08/25/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application N .

09/938,222

Applicant(s)

GORICH ET AL.

Examiner

John T. Haran

Art Unit

1733

-- The MAILING DATE of this communication appears in the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) 19-35 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 is/are rejected.
- 7) ☒ Claim(s) 2-18 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 August 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5.
- 4) ☒ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Election/Restrictions

1. Applicant's election of Group I, claims 1-18 in Paper No. 7 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

Information Disclosure Statement

2. The information disclosure statement (IDS) submitted on 12/26/01 has been considered.

Drawings

3. The drawings are objected to because Figures 3-10 are too dark to see any of the claimed features. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. **The objection to the drawings will not be held in abeyance.**

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 1 is rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Ota (U.S. Patent 4,615,759).

Ota discloses an apparatus for adhering a plurality of veneer pieces into a continuous panel comprising an infeed station comprised of belts (7) that are configured to receive the veneer pieces that are oriented in a cross-machine direction, an adhesive application station (17) that is configured to apply adhesive to an edge of each veneer piece, and a singulation station comprising a belt (4) positioned in proximity to the infeed station and the belt (4) engages one piece of veneer to present the piece of veneer to the adhesive application station (See Figures 1 and 2). Ota anticipates claim 1.

Alternatively, it would have been obvious to one of ordinary skill in the art at the time the invention was made that the belt (4) of the singulation station of Ota acts as an engagement mechanism and is configured to engage only one piece of veneer. As illustrated in Figure 1, the belt (4) engages a veneer piece and presents it to the adhesive applicator. It appears from figure 2 that the size of the belt (4) and the veneer pieces are such that the belt(4) only engages one veneer piece at a time and is certainly capable of only engaging one veneer piece at a time. Furthermore, one skilled in the art

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would have been motivated to have the belt configured (i.e. appropriately sized) to only engage one veneer piece at a time because only one veneer piece can have adhesive applied to it at a time and it would not be efficient for the belt to unnecessarily engage more than one veneer piece at a time.

Allowable Subject Matter

7. Claims 2-18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

8. The following is a statement of reasons for the indication of allowable subject matter:

Regarding claims 2 and 7, the prior art of record fails to suggest the claimed apparatus for adhering a plurality of wood pieces into a continuous wood panel, particularly wherein the engagement mechanism comprises the claimed gripper assemblies. There is no suggestion in Ota to have such a gripper assembly.

Regarding claim 8, the prior art of record fails to suggest the claimed apparatus for adhering a plurality of wood pieces into a continuous wood panel, particularly wherein the adhesive application station has the claimed features. There is no suggestion in Ota to have such an adhesive application station.

Regarding claim 11, the prior art of record fails to suggest the claimed apparatus for adhering a plurality of wood pieces into a continuous wood panel, particularly wherein there is a crowding station with an upstream and downstream crowding device.

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Ota teaches a crowding station with a pair of upper rollers and lower rollers (11 and 12) but there is no suggestion of an upstream device and a downstream device.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Braunschweiler (U.S. Patent 4,212,699) teaches an apparatus for assembling planar work pieces such as wood wherein the wood pieces are fed to an infeed station in a cross-machine direction with the adhesive already applied to the edges.


Yow (U.S. Patent 4,547,255) teaches an apparatus for securing a plurality of wood pieces together including a press that using high frequency radio waves to cure the glue applied to the edges of the wood pieces.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **John T. Haran** whose telephone number is **(703) 305-0052**. The examiner can normally be reached on M-Th (8 - 5) and alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael W. Ball can be reached on (703) 308-2058. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.


John T. Haran


Michael W. Ball
Supervisory Patent Examiner
Technology Center 1700